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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,481	11/21/2003	Carlton Lane	MSFT-2791/303661.01	3629
41505	7590	11/14/2006	EXAMINER EBIRIM, EMEKA	
WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION) ONE LIBERTY PLACE - 46TH FLOOR PHILADELPHIA, PA 19103			ART UNIT 2166	PAPER NUMBER

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/719,481

**Applicant(s)**

LANE ET AL.

**Examiner**

Emeka Ebirim

**Art Unit**

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Status*

1. This communication is responsive to the Amendments filed on August 16, 2006.  
The application has been fully examined and claims 1-26 are rejected and are pending in this Office Action.

### *Response to Arguments*

#### *Claim Objections*

2. Applicant's amendments to claim 20 of the present application have been fully considered and it overcomes the objection as applied to claim 18 and 20 in the last office action. The objection has been withdrawn.

#### *Claim Rejections - 35 USC § 103*

3. Applicant's arguments with respect to independent claims 1 and 9 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments with respect to independent claims 17 and 22 of the present application have been fully considered but are not persuasive. The examiner respectfully traverses applicant's arguments.

With respect to the independent claims 17 and 22, Applicants argue that Snyder does not suggest, "deploying a device database to a device ***that is being tested***".

In response to the above argument, the Examiner respectfully submits that Snyder discloses the claimed limitation as "This module can allow a new device under test to be selected by the user. This module can spawn the device code specific loading

process which can in turn retrieve required device data from the database and create the device's database table"[Snyder Col 19 lines 59-63].

Examiner notes that Applicants appears to be arguing a non recited element.

Examiner further notes that Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).

Reference is made to MPEP 2144.01 - Implicit Disclosure

"[I]n considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom." In re Preda, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968)

For the above reasons, Examiner believed that rejection of the last Office action was proper. From the foregoing applicants have not met the requirements needed to traverse the rejections made to this application under 35 U.S.C. 102 (b). And as such rejections as applied to the last Office action are hereby sustained.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 20 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Applicants' amendment to claim 20 has introduced new subject matter to the claim. The use of the recitation "device startup project" is not evident in the specification.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 17-26 rejected under 35 U.S.C. 102(b) as being anticipated by Patent No: 6,385,552 to Snyder (hereinafter Snyder).

Claim 17.

Snyder discloses:

A method for deploying a device database to a device [device database, Col 19 lines 59-62], the method comprising:

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providing an interface that enables a user to select an installation property for installing the device database on the device, the selected installation property being one of an always overwrite property, an overwrite if different property, and a never overwrite property [installation, user select, device, database, conditions, overwriting, Col 19 lines 59-63, Col 16 lines 5-12, Col 30 lines 32-35, Col 32 lines 38-39];

deploying the device database to the device [[setup, install, project, device, Col 30 lines 4-6, 32-39, 51-56]; and

installing the device database on the device for testing of the according to the selected installation property [setup, install, project, device, database, Col 30 lines 4-6, 32-39, 51-56].

#### Claim 18

Snyder discloses the elements of claim 17 as above and furthermore it discloses deploying the device database to the device as part of a main device project [installation, user select, device, database, conditions, Col 19 lines 59-63, Col 16 lines 5-12, Col 30 lines 32-35; setup, install, project, device, database, Col 30 lines 4-6, 32-39, 51-56].

#### Claim 20.

Snyder discloses the elements of claim 17 as above and furthermore it discloses deploying the device database to the device as part of a device startup project [installation, user select, device, database, conditions, Col 19 lines 59-63, Col 16 lines 5-12, Col 30 lines 32-35; setup, install, project, device, database, Col 30 lines 4-6, 32-

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39, 51-56].

Claim 19.

Snyder discloses the elements of claim 18 as above and furthermore it discloses providing an interface that enables a user to debug a test version of the device database on the device [interface, device, database, debug, Col 17 lines 31-39, Col 30, lines 9-11, Col 33 lines 20-22].

Claim 21.

Snyder discloses the elements of claim 20 as above and furthermore it discloses deploying the device database to the device comprises distributing a finished version of the device database to the device [version, Col 29 lines 56-58, Col 30 lines 3-6]

8. Subject matter of claims 17 – 21 are rejected in the analysis above in claims 22 – 26 and these claims are rejected on that basis.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-16 rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder in view of Pub No: 2004/0044693 to Hadley et al (hereinafter Hadley).

Claim 1.

Snyder discloses:

A method for deploying a device database to a device [device database, Col 19 lines 59-62], the method comprising:

providing an interface that enables a user to reference a device database in a device project and to select an installation property for installing the device database on the device [installation, user select, device, database, conditions, Col 19 lines 59-63, Col 16 lines 5-12, Col 30 lines 32-35];

deploying the device project to the device [setup, install, project, device, Col 30 lines 4-6, 32-39, 51-56]; and

Snyder discloses the elements of claim 1 as above but it does not explicitly indicate "specifies whether or not an existing version of the device database on the device should be overwritten" Hadley discloses the claimed limitation [Hadley Para 0010].

It would have been obvious to one of ordinary skill in the art to have combined the cited references because the disclosure of Hadley would have enabled Snyder to test computers with wide variety of configurations [Hadley Para 0018].

Furthermore it would enable Snyder to automatically maintain configuration information about a plurality of personal computers [Hadley Para 0011]

Claim 2.



Snyder discloses the elements of claim 1 as above and furthermore it discloses, providing an interface that enables the user to reference the device database in a main device project [interface, device, database, Col 17 lines 31-39, Col 30, lines 9-11].

Claim 3.

Snyder discloses the elements of claim 2 as above and furthermore it discloses, providing an interface that enables the user to debug a test version of the device database on the device [debug, Col 33 lines 20-22].

Claim 4.

Snyder discloses the elements of claim 1 as above and furthermore it discloses, providing an interface that enables the user to reference the device database in a device setup project [installation, user select, device, database, conditions, Col 19 lines 59-63, Col 16 lines 5-12, Col 30 lines 32-35; setup, install, project, device, database, Col 30 lines 4-6, 32-39, 51-56].

Claim 5.

Snyder discloses the elements of claim 4 as above and furthermore it discloses, deploying the device project to the device comprises distributing a finished version of the device database to the device [version, Col 29 lines 56-58, Col 30 lines 3-6].

Claim 6.

Snyder discloses the elements of claim 1 as above and furthermore it discloses providing an interface that enables the user to select an always overwrite installation property [overwriting, Col 32 lines 38-39].

Claim 7.

Snyder discloses the elements of claim 1 as above and furthermore it discloses providing an interface that enables the user to select an overwrite if different installation property [overwriting, Col 32 lines 38-39].

Claim 8.

Snyder discloses the elements of claim 1 as above and furthermore it discloses providing an interface that enables the user to select a never overwrite installation property [overwriting, Col 32 lines 38-39].

11. Subject matter of claims 9 – 16 are rejected in the analysis above in claims 1 – 8 and these claims are rejected on that basis.

12. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the accompanying PTO-892 form.

***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

***Contact Information***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emeka Ebirim whose telephone number is 571-272-3994. The examiner can normally be reached on 8:30pm - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam, can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

hy

Emeka Ebirim  
Examiner  
Art Unit 2166

  
**HOSAIN ALAM**  
**SUPERVISORY PATENT EXAMINER**